

(g) As soon as practicable after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, shall make the initial appointments to the advisory committee under Section 1001.058, Education Code, as added by this Act.

SECTION 73. The changes in law made by this Act to Chapter 1001, Education Code, apply only to a fee charged on or after September 1, 2015. A fee charged before September 1, 2015, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 74. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 75. This Act takes effect September 1, 2015.

Passed by the House on April 30, 2015: Yeas 134, Nays 1, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1786 on May 27, 2015: Yeas 142, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 25, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective September 1, 2015.

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## REQUIREMENTS FOR AND CONFIDENTIALITY OF STATE AGENCY CONTINUITY OF OPERATIONS PLANS

### CHAPTER 1045

H.B. No. 1832

#### AN ACT

**relating to the requirements for and confidentiality of state agency continuity of operations plans.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Sections 412.011(f) and (g), Labor Code, are amended to read as follows:

(f) The office shall work with each state agency to develop an agency-level ~~[business]~~ continuity of operations plan under Section 412.054.

(g) The office shall make available to each agency subject to Section 412.054 guidelines and models for each element listed in Section 412.054. The office shall assist the agency as necessary to ensure that:

(1) agency staff understands each element of the ~~[business]~~ continuity of operations plan developed under Section 412.054; and

(2) each agency *provides training and conducts testing and exercises that prepare the agency for implementing* ~~[practices implementation of]~~ the plan.

SECTION 2. Section 412.0128, Labor Code, is amended to read as follows:

Sec. 412.0128. CONFIDENTIALITY OF INFORMATION. (a) Information in or derived from a workers' compensation claim file regarding an employee, and information in or derived from a risk management review related to facility security or continuity of operations ~~[of the Texas military forces]~~, is confidential *and is exempt from disclosure under Chapter 552, Government Code*, and may not be disclosed by the office except as provided by Subsection (b), other provisions of this subchapter, or other law. Classified or sensitive information ~~[of the Texas military forces]~~ specifically preempted from disclosure by federal law retains the confidentiality protection provided by this section for all purposes, including disclosure to the office.

(b) *Forms, standards, and other instructional, informational, or planning materials*

*adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under Section 412.054 are public information subject to disclosure under Chapter 552, Government Code.*

SECTION 3. Section 412.032, Labor Code, is amended to read as follows:

Sec. 412.032. BOARD'S REPORT TO LEGISLATURE. (a) Based on the recommendations of the director, the board shall report to each legislature relating to:

- (1) methods to reduce the exposure of state agencies to the risks of property and liability losses, including workers' compensation losses;
- (2) the operation, financing, and management of those risks;
- (3) the handling of claims brought against the state;
- (4) return-to-work outcomes under Section 412.0126 for each state agency; and
- (5) the [business] continuity of operations plan developed by state agencies under Section 412.054.

(b) The report must include:

- (1) the frequency, severity, and aggregate amount of open and closed claims in the preceding biennium by category of risk, including final judgments;
- (2) the identification of each state agency that has not complied with the risk management guidelines and reporting requirements of this chapter;
- (3) recommendations for the coordination and administration of a comprehensive risk management program to serve all state agencies, including recommendations for any necessary statutory changes;
- (4) a report of outcomes by state agency of lost time due to employee injury and return-to-work programs based on the information collected and analyzed by the office in Section 412.0126; and
- (5) an evaluation of [business] continuity of operations plans developed by state agencies under Section 412.054 for completeness and viability.

SECTION 4. Section 412.054, Labor Code, is amended to read as follows:

Sec. 412.054. [BUSINESS] CONTINUITY OF OPERATIONS PLAN. (a) Each state agency shall work with the office to develop an agency-level [business] continuity of operations plan that outlines procedures to keep the agency operational in case of disruptions to production, finance, administration, or other essential operations. The plan must include detailed information regarding resumption of essential services after a catastrophe, including:

- (1) coordination with public authorities;
- (2) management of media;
- (3) customer service delivery;
- (4) assessing immediate financial and operational needs; and
- (5) other services as determined by the office.

(b) A [business] continuity of operations plan that meets [is considered to meet] the requirements of this section ~~must be submitted by each state [if the agency forwards the plan to the office for review and the]~~ agency that is:

- (1) involved in the delivery of emergency services as a member of the governor's Emergency Management Council; ~~or~~
- (2) part of the State Data Center program; or
- (3) subject to this chapter or Chapter 501.

(c) *Except as otherwise provided by this section, the following information is confidential and is exempt from disclosure under Chapter 552, Government Code:*

- (1) a continuity of operations plan developed under this section; and
- (2) any records written, produced, collected, assembled, or maintained as part of the development or review of a continuity of operations plan under this section.

(d) Forms, standards, and other instructional, informational, or planning materials adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under this section are public information subject to disclosure under Chapter 552, Government Code.

(e) A state agency may disclose or make available information that is confidential under this section to another state agency, a governmental body, or a federal agency.

(f) Disclosing information to another state agency, a governmental body, or a federal agency under this section does not waive or affect the confidentiality of that information.

SECTION 5. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.156 to read as follows:

Sec. 552.156. **EXCEPTION: CONFIDENTIALITY OF CONTINUITY OF OPERATIONS PLAN.** (a) Except as otherwise provided by this section, the following information is excepted from disclosure under this chapter:

(1) a continuity of operations plan developed under Section 412.054, Labor Code; and

(2) all records written, produced, collected, assembled, or maintained as part of the development or review of a continuity of operations plan developed under Section 412.054, Labor Code.

(b) Forms, standards, and other instructional, informational, or planning materials adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under Section 412.054, Labor Code, are public information subject to disclosure under this chapter.

(c) A governmental body may disclose or make available information that is confidential under this section to another governmental body or a federal agency.

(d) Disclosing information to another governmental body or a federal agency under this section does not waive or affect the confidentiality of that information.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 30, 2015: Yeas 138, Nays 1, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1832 on May 28, 2015: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective June 19, 2015.

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**PUBLIC SCHOOL ACCOUNTABILITY, INCLUDING THE  
INTERVENTION IN AND SANCTION OF A PUBLIC SCHOOL  
THAT HAS RECEIVED AN ACADEMICALLY UNSUCCESSFUL  
PERFORMANCE RATING FOR AT LEAST TWO  
CONSECUTIVE SCHOOL YEARS AND THE DESIGNATION OF  
A SCHOOL DISTRICT AS A DISTRICT OF INNOVATION**

**CHAPTER 1046**

H.B. No. 1842

**AN ACT**

relating to public school accountability, including the intervention in and sanction of a public school that has received an academically unsuccessful performance rat-